

THE EVERY STUDENT SUCCEEDS ACT: WHAT IT IS & HOW YOU CAN TAKE ACTION!

Presenters for Today's Webinar

- Matt de Ferranti, National Indian Education Association
- Adam Fernandez, Mexican American Legal Defense & Education Fund
- Adaku Onyeka-Crawford, National Women's Law Center

Outline of Webinar



- History & Background
- Proposed Rules for Reporting & School Resources
- Accountability in ESSA
- Parental & Community Engagement Provisions in ESSA
- How to Comment & Stay Engaged Locally
- Question & Answer Session

History of the Elementary & Secondary Education Act

- Enacted in 1965
- Ten years after *Brown v. Board of Education*, state & local educational agencies still neglected schools attended by low-income students & students of color
- Congress passed ESEA to give much needed federal funds to disadvantaged students
- Federal government's biggest investment in K-12 education



ESEA Becomes No Child Left Behind



- In 2002, ESEA overhauled as No Child Left Behind (NCLB)
- Goal: Ensure all students graduate high school ready for college and career
- Method: Require schools that receive federal funds to:
 - Administer state tests annually in grades 3-8 & once in high school
 - Make “Annual Yearly Progress” (AYP) in test scores & grad rates

Pros of No Child Left Behind



- Disaggregated test scores & grad rates by subgroups: race, sex, disability, English proficiency, economic, & migrant status
 - For the first time ever, hidden achievement gaps were exposed
 - Once exposed, schools had a duty to close achievement gaps for subgroups of children
- States & local school districts accountable for the performance of disadvantaged students, including students of color, students with disabilities, and English language learners
 - Historically, ESEA funding did not ask schools to increase performance of disadvantaged students

Cons of No Child Left Behind



- Unrealistic Expectations
 - Goal: 100% of students proficient by 2013-14 school year
- Rigid Benchmarks & Tough Penalties
 - Schools that failed to make AYP multiple years in a row threatened with sanctions (e.g., replacement of staff, restructuring school)
 - Created environment of high-stakes testing/teaching to the test
- Lack of Resources
 - Low funding levels to implement new NCLB requirements
 - Students could transfer out of schools that missed AYP after second year, depriving school of funding needed to improve instruction

NCLB Becomes the Every Student Succeeds Act (ESSA)

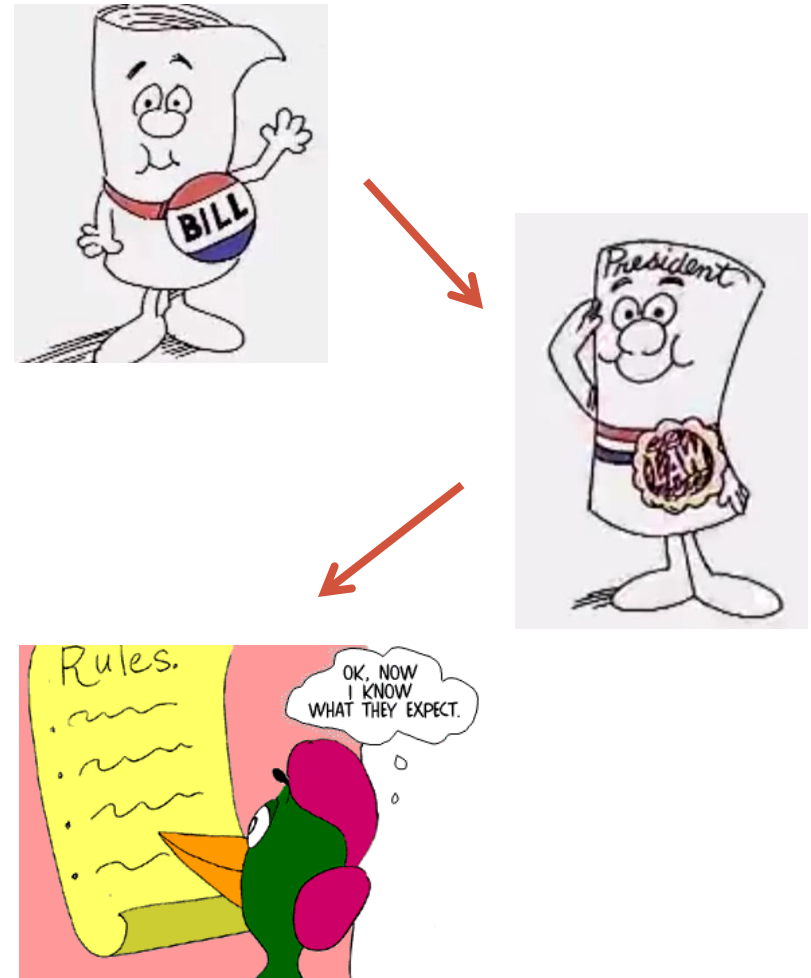


- In 2015, ESSA replaced No Child Left Behind
 - Builds upon reporting & transparency in NCLB
 - Urges states to look at gaps in resources for struggling schools
 - Gives states, schools, parents & communities some flexibility in setting goals & making plans to boost student achievement
 - Requires more parental & community engagement
- Preserves the federal role in education thru rulemaking & other mechanisms



Overview of Rulemaking Process

- Once a bill becomes law, the federal government has the duty and ability to enforce it.
- Usually this happens through what is called the rulemaking process.
 - The federal government puts out a proposed rule.
 - The public has a chance to comment on it.
- The agency reviews those comments and then issues a final rule that entities must follow.



PROPOSED RULES FOR REPORTING & RESOURCE EQUITY

Adaku Onyeka-Crawford, National Women's Law
Center

ESSA State & District Report Card Provisions



- NCLB required reporting on test scores & grad rates by categories (i.e., race, gender, disability, English proficiency, economic & migrant status)
- ESSA reporting gives fuller picture of school quality
 - Rates of school discipline & other measures of school climate
 - Access to pre-K, AP classes & experienced teachers
 - Intersectional student performance & achievement data

Proposed Rules for School Reporting



State Report Card

- SEA Report Card Overview
 - State-level data in the state's accountability system by race, disability, English proficiency & economic status
- State Educational Agency website must have
 - State Report Card w/Overview section
 - Each LEA's Report Card
 - LEAs identified as needing additional support
- Must be made available by December 31 of the following school year
 - E.g., 2017-18 report card must be up by Dec. 31, 2018

LEA (School District) Report Card

- LEA Report Card Overview
 - District- & school-level accountability data by 4 subgroups
 - How LEA compares to the state
 - How schools compare within the LEA and state
 - Rating for each school
 - Whether a school is identified for needing additional support
- Publication of LEA Report Card
 - On LEA website (as it applies)
 - Must provide overview directly to parents (e.g., via mail or email)
- Same deadline

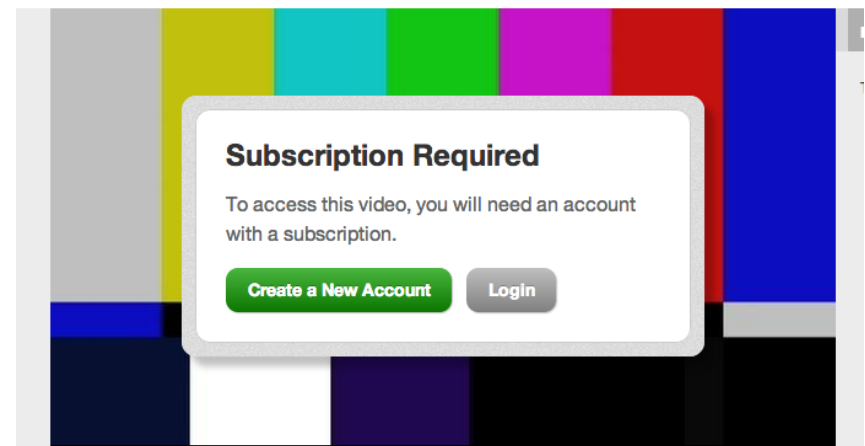
Ways to Improve The Proposed Rule for Report Cards



- Ensure all reporting info is easily accessible
 - Language & disability access
 - SEA shouldn't restrict access by requiring login, fee or any barrier
- Expand categories of students in Overview sections
 - E.g., by sex, youth in foster care
- Make State Report Cards user-friendly
 - Allow parents & advocates to easily compare across school districts
 - Prevents creating silos between school districts

October 11, 2012

Paywall video

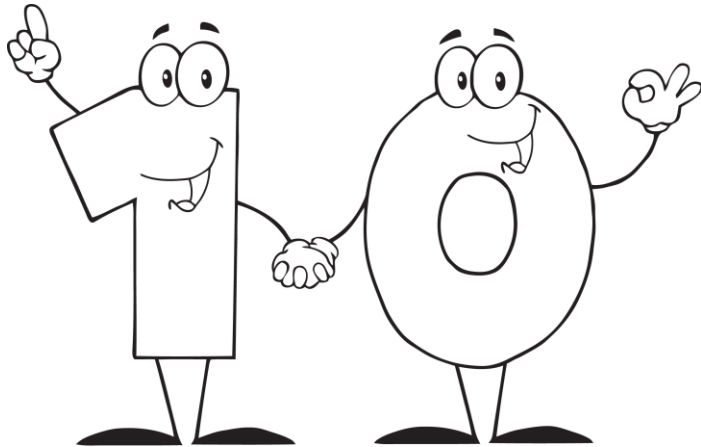


Making Sure All Students Count with N-size



- N-size: minimum # of students required within a subgroup to be counted for accountability or reporting
 - E.g., A state sets n-size at 20. A school with 18 English learners in the 3rd grade, wouldn't have to report or track achievement data for those students
- Setting a high N-size can erase whole groups of students from reporting & the accountability system
 - Threat is even greater for students who fall into multiple categories & face multiple barriers (e.g., girls of color, economically disadvantaged students with disabilities)
- In 2012, Mississippi lowered its n-size from 40 to 30 students
 - No. of schools with students with disabilities increased: 234 → 872
 - No. of schools with English language learners increased: 15 → 447

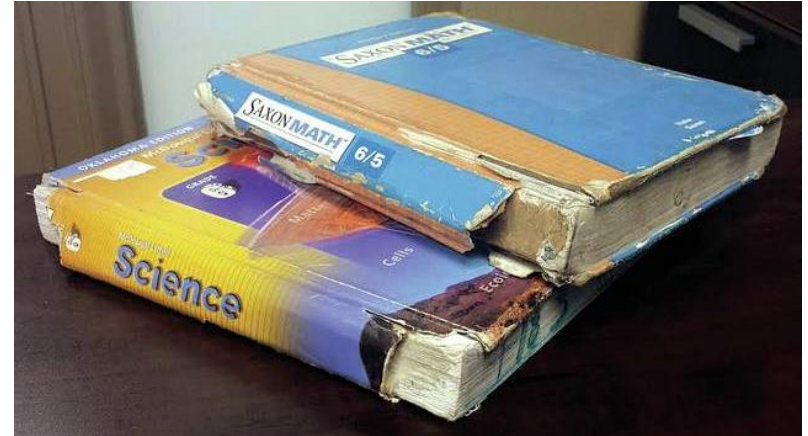
Making Sure All Students Count with N-size



- Current range of state n-sizes: 5 to 50
- Proposed Rule: Caps n-size at 30
 - Too high
- Way to Improve Rule: Cap n-size at 10
 - NCES approved
 - Small enough to protect student privacy

What is Resource Equity?

- Schools that need the most resources should get more than wealthier school districts
- “Resources” is a broad term
 - Qualified teachers
 - Access to pre-K
 - Availability of trained paraprofessionals
 - Use of exclusionary discipline; referrals to law enforcement



Resource Equity in Proposed Rule



- Applies only to schools identified as in need of additional support
- LEA must identify and address resource inequities in:
 - Rates of out-of-field, inexperienced or ineffective teachers
 - Per-pupil expenditures of Federal, State & local funds
- LEA may identify and address resource inequities in:
 - Access to advanced coursework
 - Pre-K Programs
 - Instructional materials & technology
 - Anything identified in a needs assessment (target support schools only)

ACCOUNTABILITY IN ESSA

Adam Fernandez, Mexican American Legal Defense & Education Fund (MALDEF)

Accountability - Purpose

- *The Elementary and Secondary Education Act of 1965*



- Passed in the civil rights era along with the Civil Rights Act of 1964, and the Voting Rights Act of 1965. ESEA's mission is to give equal educational opportunities to students of color, economically disadvantaged students, students with disabilities, and English learners.
- Accountability is how we try to enforce that mission.
- It's changed a lot from NCLB to ESSA. With your help, it will be a change for the better.
- Proposed Regulations. Opportunities for your input.

Accountability - Outline



- Subgroups (groups of kids who need to independently do well).
- Indicators (measuring schools is not just one high stakes test).
- School Identification (school performance is no longer a simple “pass or fail”).
- Supports and Interventions (school improvement plans should be targeted at underperforming subgroups).

Accountability - Subgroups

- groups of kids who need to independently do well.



- Students from major racial and ethnic groups;
 - White
 - Latino
 - African American
 - Asian American
 - Native American
- Economically disadvantaged students;
- Children with disabilities; and
- English learners.

Accountability Compared



	NCLB: “Adequate Yearly Progress” (AYP)	ESSA: “Annual Meaningful Differentiation”
Indicator(s):	Tests only	At least 4 indicators
Goal(s):	100% proficiency for all subgroups (federally determined)	State determined, must take into account the need for accelerated improvement for subgroups further behind
Timeline:	By 2014 (federally determined)	State determined

Accountability – Indicators

- measuring schools is not just one high stakes test.



- At least four indicators:
 - Tests in Math, English Language Arts, and Science (just like in NCLB).
 - Assessment of English proficiency for English learners.
 - Separate indicators by grade-span:
 - In high school, graduation rates; and
 - In elementary and middle schools, another academic indicator.
 - One or more indicators of “school quality or academic success.”
- Weighting in brief.

Accountability - School Identification

- *school performance is no longer a simple “pass or fail.”*



- ESSA: three tiers
 - Targeted support schools: schools where subgroups aren't doing well (achievement gap schools)
 - Additional targeted support schools: schools where a subgroup is doing as poorly as the bottom 5% of schools (bad achievement gap schools)
 - Comprehensive support schools: Three types -
 - bottom 5% schools,
 - high schools with graduation rates below 67%, or
 - additional targeted support schools (after a period of time).

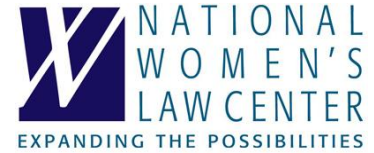
Accountability - Supports and Interventions

- *school improvement plans should be targeted at underperforming subgroups*



- If a school isn't doing well, ESSA requires stakeholder input – including parents, teachers, and local civil rights groups – in determining school improvement plans.
- It also requires that the “supports and” interventions be “evidence based” to solve the issue which caused the school to be identified.
- Less high stakes, with your help they could do a better job.

Accountability - “Addressing Resource Disparities”



- Two of the three tiers:
 - Additional targeted support schools: schools where a subgroup is doing as poorly as the bottom 5% of schools (bad achievement gap schools)
 - Comprehensive support schools: Three types -
 - bottom 5% schools
 - grad rates below 67%
 - additional targeted support schools (after a period of time).

PARENT & COMMUNITY ENGAGEMENT IN ESSA

Matt de Ferranti, National Indian Education Association

Parental and Community Engagement



- Under ESSA, many of the issues for how to provide educational services are up to the state and school district to decide.
- The law requires that states consult:
 - Governor, Principals, Teachers, parents
 - Representatives of Indian tribes
 - Must be timely and Meaningful

The Process: How you can Engage



- States have to submit accountability plans to the Department of Education.
- The state plans will go into effect in the 2017-18 school year.
- Consultation
 - States are likely to be working on their plans this year
 - Although consultation is required under the law, how a state handles it is to be determined

Information to Help you Engage



- State plans have not yet been decided upon
 - State law will very likely need to be changed to comply with ESSA
 - You still have time to influence how your state, school district and school are organized to educate students
 - We're here to help
- Local plans will also require consultation under the law

How to Comment and Stay Engaged Locally

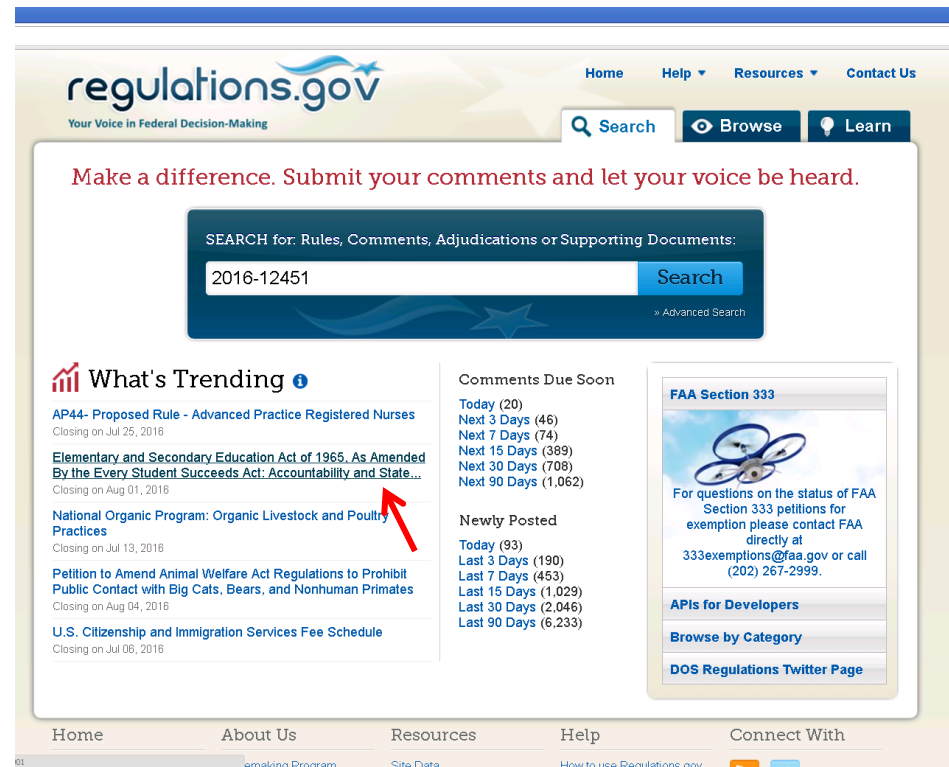


- The Department of Education is asking for your thoughts on how to implement the new law by August 1st
- You can submit yourself
- You can use a template drafted by National Women's Law Center, the National Indian Education Association or many of the other organizations
- Templates will be ready for you the week of July 18 to 22

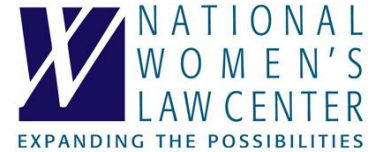
How you can comment directly or via a template



- By Monday, August 1.
- Submit Electronically through www.regulations.gov
 - Go to “Are you new to the site?” to learn how to submit.
- Submit via U.S. Mail to:
Meredith Miller, U.S.
Department of Education,
400 Maryland Avenue SW.,
Room 3C106
Washington, DC 20202–2800



How to Stay Engaged in your State



- Sign up for email alerts from the National Women's Law Center
- Department of Education ESSA updates
 - www.ed.gov/ESSA under "Have questions?"
- Learn about implementation of ESSA in your state
 - Go to your state department of education's website
 - We will send out a state by state list of websites after this call.
 - Learn how national civil rights organizations are supporting state-based organizations.

How to Stay Engaged Locally



- Once you have looked at your state website, engage locally
 - Look for hearings in your region
 - Look for people who can help you in your city
 - Nonprofits
 - Parents, educators and others who are engaged.
- If you're not sure where to go or what's next, email or call one of us for help.

What We Covered Today



- History & Background of ESSA
- Proposed Rules for Reporting & Resource Equity
- Accountability in ESSA
- Parental & Community Engagement Provisions in ESSA
- How to Comment & Stay Engaged Locally

Questions & Answers



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